

Application No. 10/553,666
Paper Dated: March 14, 2011
In Reply to USPTO Correspondence of October 14, 2011
Attorney Docket No. 4623-053150

REMARKS

The Office Action of October 14, 2010, has been reviewed and the Examiner's comments carefully considered. Claims 7, 9, 11-23, 25-29, 31, and 33-36 have been amended, new claim 37 has been presented, and claims 8, 30, and 32 have been cancelled by way of this Amendment, claims 1-6 and 10 being previously cancelled. Accordingly, claims 7, 9, 11-29, 31 and 33-37 are currently pending in this application, and claims 7, 16, and 25 are in independent form. Support for the amendments made herein can be found in Figs. 1-11; page 3, line 3 to page 5, line 5 of the specification; and in original claims 1-6. Applicant respectfully submits that no new matter is being presented by way of this Amendment.

Claims 7-9, 11-15, 25-27, 29-31, 34, and 35 stand rejected under 35 U.S.C. §112, second paragraph, for being unclear due to certain informalities. Claim 7 has been amended to replace "gutter part" with "part of the gutter" as recited earlier in the claim and to clarify the part of the gutter is received in the recess of the U-shaped portion. Claim 8 has been cancelled, thereby rendering the rejection of claim 8 moot. Claim 25 has been amended to provide antecedent basis for the limitation "the legs". In view of the foregoing amendments and remarks, reconsideration and withdrawal of these rejections are respectfully requested.

Claims 7-9 and 11-36 stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Patent No. 3,864,882 to Lasscock. In view of the following remarks, reconsideration and withdrawal of this rejection are respectfully requested.

Independent claims 7, 16, and 25 have been amended to further define the structure of the mounting device. In particular, these claims have been amended to clarify that mounting device includes a generally U-shaped portion with first and second legs defining a recess for receiving an inner wall of the gutter. And that both the first and second legs of the mounting device engage the inner wall of the gutter to retain the gutter to the mounting device.

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Applicant respectfully submits that Lasscock does not teach or suggest all of the claimed limitations of independent claims 7, 16, and 25, as amended.

Lasscock teaches gutter suspension means comprised of a plurality of discrete clips (20) for attaching a gutter (35) to a fascia (10). Each clip (20) includes a front portion (21) having a plurality of tongues (22) arranged in staggered columns punched upwardly and rearwardly from the front portion (21) of the clip (20). Each clip (20) also includes a rearwardly extending portion (27) and a downwardly extending rear portion (28) that fit over the top of the fascia (10) so as to mount the clip (20) over the fascia (10). A recess is formed between the front portion (21) of the clip (20) and a front face panel (11) of the fascia (10) to receive a rear wall (36) of the gutter (35). The tongues (22) engage a longitudinally extending retention rib (37) on the rear wall (36) of the gutter (35), such that the gutter (35) can be snapped into place. Successive sections of gutter (35) can be snapped into position by progressively lower tongues (22) so as to give the gutters (35) a downward slope towards a water collection area. Please note Figs. 1 and 2; column 2, lines 46-53; and column 3, lines 1-51 of Lasscock.

A feature of the claimed invention is that the mounting device is adapted for front fixing to the building structure. Such an arrangement is illustrated in Fig. 2, where the mounting device (10) is fixed to a front surface of fascia/support (60). The gutter is mounted to the device by the geometry of the recess of the U-shaped elongated device body, which includes first and second legs that define the recess for retaining the inner wall of the gutter to the mounting device. The U-shaped portion is structured such that the first and second legs engage the inner wall of the gutter along with the retaining clips defined on the first leg of the elongated device body. Thus, the clips, in conjunction with the opposing surfaces of the first and second legs, provide a snug fit for securing the internal wall of the gutter to the mounting device, which in turn is attached to the building.

In contrast to the claimed invention, Lasscock teaches that the gutter clip (20) is a “hanger type” clip that locates *over* the fascia, and the gutter locates *between* the fascia and an

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inwardly facing surface of the gutter clip (20), as shown in Fig. 2 of Lasscock. As such, the clip (20) needs to be dimensioned to fit a specific fascia so that the resulting space in which the gutter is received is of appropriate size. Furthermore, installation of the clip (20) requires overhead clearance of the fascia (10) so that the clip can locate over the fascia and be fitted in position to receive the gutter. As a result, the rear portion (28) of the clip (20) taught by Lasscock, which is located over the fascia, does not engage the inner wall of the gutter to retain the gutter to the clip, as is claimed in amended claims 7, 16, and 25. Rather, Lasscock teaches that the fascia is located between the inner wall of the gutter and the rear portion of the clip, as discussed above.

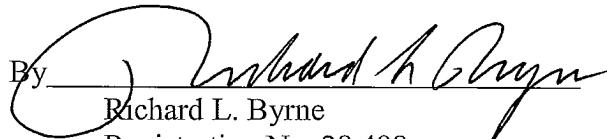
Applicant submits that independent claims 7, 16, and 25 are allowable for at least the foregoing reasons, as the prior art of record, including Lasscock, fails to teach or suggest all of the limitations of these claims.

Claims 9, 11-15, 27, and 31 are dependent upon and add further limitations to independent claim 7. Claims 17-24, 28, 33, 36 and 37 are dependent upon and add further limitations to independent claim 16. Claims 26, 29, 34, and 35 are dependent upon and add further limitations to independent claim 25. These claims are allowable for at least the same reasons discussed above in connection with claims 7, 16, and 25.

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Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 7, 9, 11-29, 31 and 33-37 are respectfully requested.

Respectfully submitted,
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